



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,035	12/11/2000	Juhnyoung Lee	YOR9-2000-0733US1	2505
30743	7590	12/01/2004	EXAMINER	
WHITHAM, CURTIS & CHRISTOFFERSON, P.C. 11491 SUNSET HILLS ROAD SUITE 340 RESTON, VA 20190			FULTS, RICHARD C	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/733,035

Applicant(s)

LEE, JUHNYOUNG

Examiner

Richard Fults

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giovannoli (WO 97/31322) (hereinafter Gio) further in view of Alaia et al (US 6,199,050 B1) (hereinafter Alaia).

Gio discloses (see at least pages 1-16, but in particular pages 1-7) the method and computer system for providing a buyer with one or more RFQ creation processes for creating one or more RFQs with one or more attribute values of preference and one or more business conditions of preference, providing a buyer with one or more RFQ submission processes for submitting one or more RFQs to one or more sell bid aggregation systems which find one or more sell bids that satisfy the attribute values of preference and the business conditions of preference of the submitted RFQs, providing a buyer with one or more communications processes for communicating with one or more sellers of the sell bids found by one or more sell bid aggregation systems to confirm the validity of the bids, find more information on the bids, and/or negotiate on the bids, providing a buyer with one or more sell bid evaluation processes for evaluating one or more sell bids found by one or more sell bid aggregation systems, and selecting one or more sell bids among them as winning bids; providing a buyer with one or more transaction completion processes for completing one or more purchases of one or more products/services given in one or more winning bids, providing a buyer with one or more electronic marketplace selection processes for selecting one or more

electronic marketplaces to submit one or more RFQs and receive more sell bids from one or more sellers, providing a buyer with sell bid receiving processes for receiving one or more sell bids from one or more sellers by using one or more electronic marketplaces, providing a buyer with one or more communication processes for communicating with one or more sellers who submit one or more sell (bids) to find more information on the bids, and/or negotiate on the bids, providing a buyer with one or more sell bid evaluation processes for evaluating one or more sell bids submitted by one or more sellers, and selecting one or more purchases of one or more products/services given in one or more winning bids. Claims 2-11 are rejected as being dependant upon rejected claim 1. Gio does not discuss evaluation of bids received.

Alaia discloses the evaluation of bids received in a computerized RFQ and RFQ response process (see at least columns 1-32, but in particular columns 1-6, and especially column 4, lines 1-11).

Because it would have been common sense and advantageous and would have provided a more comprehensive and efficient RFQ system, it would have been obvious to one skilled in the art at the time of the invention to have added the teachings of Alaia to those of Gio, and to have added those of Gio to those of Alaia for the same reasons.

In addition it would have been obvious to one skilled in the art at the time of the invention to know that the mere comparative display by the RFQ system of one or more sell bids, pursuant to the preferences and criteria established by the buyer, would aid in the evaluation of the sell bids received.

### **3. Response to Applicant's Arguments**

Giovannoli and Alaia in combination teach both a multi-attribute match engine and a sell-bid presentation process that permits the aggregation of sell bids from multiple e-marketplaces. Gio on page 1 describes a central database of goods and services offered to buyers, and the use of filter conditions on page 3, and the process

taught by Gio can result in aggregation of sell bids. Standard database manipulation of data fields can match RFQs and multiple bids stored in a database. Alaia on pages 1-8 teaches prior art on the RFQ process, which is generic and applicable to this invention, and teaches historical bids in the form of standard catalog prices. Regarding connected bidders, for an online RFQ process, as a practical matter no online bidder can bid if they are not connected to the electronic process, and bidding according to the pre-established filter conditions. RFQs can always be negotiated, and have been for decades. Commonsense and historical practice teaches the creation of sell bids aggregating two or more bids when individual bids do not match the specification of the RFQ. It always makes commonsense and is advantageous to take advantage of pre-existing knowledge to make or use an invention before it has been applied for.

**4. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action:

**5.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Fults whose telephone number is 703-305-5416. The examiner can normally be reached on weekdays from 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough, can be reached on (703)-305-0505. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Art Unit: 3628

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



RCF

11/22/2004

  
FRANTZY POINVIL  
PRIMARY EXAMINER

Au 3628